

Board of Supervisors Agenda

Room 301, Hall of Records
2281 Tulare Street
Fresno, California 93721-2198
Telephone: (559) 488-3529
Toll Free: 1-800-742-1011

Chairman
Bob Waterston
5th District

Vice Chairman
Juan Arambula
3rd District

Vacant
1st District

Bart Bohn
County Admin. Officer

Susan B. Anderson
2nd District

Phillip S. Cronin
County Counsel

Judith G. Case
4th District

Vacant
Clerk

ACTION SUMMARY MINUTES

TUESDAY

MAY 14, 2002

9:00 A.M.

PLEDGE OF ALLEGIANCE

1. Presentation of Retirement Plaque to Richard Cobbs – Sheriff’s Department – 33 Years of Service

PRESENTED

Supervisor Waterston

2. Proclaim May 2002 as Foster Parents Month

AnACW **APPROVED AS RECOMMENDED; ADOPTED RESOLUTION NO. 02-143**

3. Proclaim May 12 through 18, 2002 as Fresno County Bike Week, and May 17, 2002 as “Bike to Work Day”

AAAnCW **APPROVED AS RECOMMENDED; ADOPTED RESOLUTION NO. 02-145**

Supervisor Arambula

4. Proclaim May 14, 2002 as Elder Abuse Day

ACAnW **APPROVED AS RECOMMENDED; ADOPTED RESOLUTION NO. 02-215**

5. Proclaim May 1, 2002 as Law Day

AAAnCW **APPROVED AS RECOMMENDED; ADOPTED RESOLUTION NO. 02-225**

The Tuesday Board of Supervisors meeting is broadcast live on
Radio KFCF•FM 88.1 9:00 A.M. until Noon and 2:00 P.M. until 6:00 P.M.

Equal Employment Opportunity • Affirmative Action • Disabled Employer

Internet: www.fresno.ca.gov/0110/agenda.html

6. Morning Consent Agenda - Item Numbers 25-51

(These matters are routine in nature, appear on colored pages, and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any Consent Item)

- Items to be removed from Consent Agenda for discussion
- Approval of Morning Consent Agenda
- Discussion/Action on Items removed from Consent Agenda

AAnCW

APPROVED AS RECOMMENDED WITH EXCEPTION OF ITEM NO. 46 WHICH WAS PULLED FOR DISCUSSION

CAAnW

APPROVED ITEM NO. 46 AS RECOMMENDED

Administrative Office

7. Approve and authorize Chairman to execute Agreement with Kelling, Northcross Nobriga for financial consulting services (\$322,500); approve selection of UBS/PaineWebber as Senior Managing Underwriter and Bear Stearns as Co-Manager for Tobacco Securitization transactions; adopt resolution approving form of Joint Exercise of Powers Agreement with Counties of Stanislaus, Merced, Sonoma, and Kern concerning California County Tobacco Securitization Agency; appoint two Board members to serve as County's Commissioners for the Commission that administers the California County Tobacco Securitization Agency; and authorize County Administrative Officer to approve and execute agreement with DRI WEFA, Inc. to prepare Tobacco Consumption Forecast Report and Population Forecast Report (\$200,000)

AnCAW

APPROVED AS RECOMMENDED

AnCW

APPOINTED SUPERVISORS CASE AND WATERSTON TO SERVE AS COMMISSIONERS

8. First hearing of proposed ordinance to amend the Master Schedule of Fees, Charges and Recovered Costs by amending various Subsections of Section 2100 relating to public health clinic and laboratory fees; set second hearing for May 21, 2002

AAnCW

APPROVED AS RECOMMENDED; WAIVED READING OF ORDINANCE IN ITS ENTIRETY

9. Receive Schematic Design Report for Woodward Park Regional Library Project and authorize continuation of project's development

AnACW

APPROVED AS RECOMMENDED

10. Consider and direct staff regarding Policy Change to the County's General Relief Room and Board Program

AnACW

APPROVED AS RECOMMENDED; DIRECTED STAFF TO EXTEND TRANSITION PERIOD TO 60 OR 90 DAYS ON CASE-BY-CASE BASIS

Supervisor Waterston

11. Presentation to Board of Supervisors from Building Industry Association of San Joaquin Valley of John Adams' book by David McCullough, Author

RECEIVED

Supervisor Case

CAAnW

12. Adopt resolution recognizing Fresno County Lions Club for their work with Kases for Kids and their contributions to children in the community

APPROVED AS RECOMMENDED

13. **Board of Supervisors' Committee Reports** - Receive and provide direction (This item reserved for committee reports by members of the Board of Supervisors)

HELD

14. **Board Appointments:** (List attached in packet and posted on bulletin board outside of Board Chambers)

FOSTER CARE COMMUNITY OVERSIGHT AD HOC COMMITTEE**APPOINTED PAM DUPRAS****APPOINTED E. JANE MIDDLETON****HOME RULE ADVISORY COMMITTEE****APPOINTED FRED GOLDRING****MEASURE "C" STEERING COMMITTEE (COG)****APPOINTED SUPERVISOR JUDY CASE****REAPPOINTED SUPERVISOR WATERSTON****MENTAL HEALTH BOARD****APPOINTED WANDA MCINTOSH****APPOINTED MOLLY YANG****SAN JOAQUIN VALLEY WATER COALITION COUNCIL****APPOINTED GARY SERRATO**

AnACW

APPROVED APPOINTMENTS/REAPPOINTMENTS

15. **Closed Session -**
- a. Conference with Labor Negotiator- (GC 59457.6): Agency Negotiator: Ralph Jimenez; Employee Organization: All Bargaining Units and Unrepresented Employees
 - b. Conference with Labor Negotiator- (GC 59457.6): Agency Negotiator: Ralph Jimenez; Employee Organization: Unit 1 – Fresno Deputy Sheriff's Association, Unit 2 SEIU – Local 535, Unit 14 - Fresno Sheriff's Sergeants Association, Unit 35 Management Unit – Sheriff's Department, Unit 37 - Fresno Sheriff's Correctional Sergeant's Association
 - c. Conference with Legal Counsel-Initiation of Litigation (GC 54956.9(c)) 1 case
 - d. Conference with Legal Counsel-Existing Litigation (GC 54956.9(a)) City of Fresno v. County of Fresno; Fresno Local Agency Formation Commission; City of Clovis; and Does 1 through 50, inclusive Superior Court Case No. 01 CE CG 03337

HELD

NOON RECESS

2:00 P.M.**16. Afternoon Consent Agenda - Item Numbers 52-68**

(These matters are routine in nature, appear on colored pages, and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any Consent Item)

- Items to be removed from Consent Agenda for discussion
- Approval of Morning Consent Agenda
- Discussion/Action on Items removed from Consent Agenda

AAnCW**APPROVED AS RECOMMENDED****Administrative Office**

17. Adopt resolution supporting San Joaquin River Task Force and appoint two County representatives

ACAnW**APPROVED AS RECOMMENDED****CAnAW****APPOINTED SUPERVISOR WATERSTON AND PHIL DESATOFF**

18. Consider and provide comments on Draft Measure C Extension Expenditure Plan

ACAnW**DIRECTED STAFF TO DEVELOP AGENDA AND IDENTIFY PARTNERS FOR REGIONAL DISCUSSION ON ALTERNATIVE FUEL INFRASTRUCTURE NEEDS, INCLUDING CITIES, SCHOOL DISTRICTS, TRANSIT AGENCIES AND PRIVATE FLEETS**

19. Receive Draft Comprehensive Fiscal Analysis on proposed incorporation of Community of Malaga; direct staff to request that incorporation be negotiated so that proposed City mitigates \$1.3 million loss to County to avoid potential reductions of County services; and designate County Administrative Officer, County Counsel and staff as County Negotiation Team for Malaga County Water District Incorporation Proceedings Project

AnCAW**APPROVED AS RECOMMENDED**

20. Appeal by Sierra Unified School District, applicant, of Planning Commission approval of Initial Study Application No. 4763 and Unclassified Conditional Use Permit Application No. 3011 proposing to allow school district administrative office on a 58.67 acre-parcel of land in the R-R District, located on the north side of Auberry Road between Wellbarn and Morgan Canyon Roads adjacent to the unincorporated community of Prather

AAnCW**UPHELD APPEAL REQUESTING DELETION OF CONDITION REQUIRING CONNECTION TO EXISTING WASTEWATER TREATMENT FACILITY; ADOPTED FINDINGS AS STATED IN STAFF REPORT; AND APPROVED MITIGATED NEGATIVE DECLARATION AND UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3011 WITH CONDITIONS AS NOTED IN ATTACHMENT "A" OF AGENDA ITEM**

21. Consider and provide direction on request by City of Fowler to install stop signs at Adams and Temperance Avenues

AnCAW

DIRECTED STAFF TO RETURN AT LATER DATE WITH RESOLUTION AND AGREEMENT

22. Receive report of Public Information Meeting for road construction project at Fowler Avenue, Harlan to Conejo Avenues; approve Mitigated Negative Declaration of Initial Study Application No. 4396; make determination that project is in conformance with General Plan; and authorize Department of Public Works to proceed with design and right-of-way acquisition

B.O.

DIRECTED STAFF TO FURTHER EXPLORE STUDY OF PROJECT

23. Amendment to Text Application No. 340 proposing to amend the Zoning Ordinance to provide standards for review of large family day care homes/nurseries consistent with State law

AAAnCW

CONTINUED TO TUESDAY MAY 21, 2002

24. **Public Presentations** - (This portion of the meeting reserved for persons desiring to address the Board on any matter not on this agenda - Pursuant to Administrative Policy No. 29, presentations are limited to 5 minutes per person and no more than 15 minutes per topic)

HELD; REFERRED TO STAFF FOR REVIEW AND RESPONSE

ADJOURNED

NEXT MEETINGS:

May 21, 2002 - 9:00 A.M. - Board Meeting

June 4, 2002 - 9:00 A.M. - Board Meeting

MORNING CONSENT AGENDA - Item Numbers 25-51

(Any Board Member may pull any consent item for discussion or separate vote)

AAAnCW

APPROVED AS RECOMMENDED WITH EXCEPTION OF ITEM NO. 46 WHICH WAS PULLED FOR DISCUSSION

CAAnW

APPROVED ITEM NO. 46 AS RECOMMENDED

Supervisor Waterston

25. Proclaim May 13 through 19, 2002 as Volunteers in Parole Week
26. Proclaim May 19 through 25, 2002 as National Association of Insurance Women Month
27. Adopt resolution honoring Brian Pucheu on achieving rank of Eagle Scout
28. Adopt resolution honoring Ryan Fitzpatrick on achieving rank of Eagle Scout
29. Adopt resolutions recognizing the Kearney Park Old Timers of the Year

Supervisor Anderson

30. Adopt resolution honoring Sequoia Council Boy Scout, Erik Randall Covey, on achieving rank of Eagle Scout

County Clerk/Registrar of Voters

31. Approve Budget Transfer No. 114 (\$125,000) for payment of March 2002 election costs

Sheriff

32. Approve and authorize Chairman to execute retroactive agreement with Housing Authority of Fresno County for law enforcement services in communities of Laton, Del Rey, Orange Cove, Mendota and San Joaquin for time period of January 1 through June 30, 2002 (\$112,500)
33. Approve Budget Transfer No. 108 (\$14,185) Sheriff's Grant Org. (3112) to appropriate funds to finish Mobile Command Post, and adopt resolution increasing FY 2001-02 operating plan for Information Technology Services Department Org. (8908) in amount of \$11,853 (4/5 vote)
34. Approve Budget Transfer No. 116 (\$14,000) for purchase of aircraft surveillance equipment for Cal-MMET
35. Approve Budget Transfer No. 118 (\$12,920) for Sheriffs Grant Org. (3112) to appropriate funds for purchase of laptop computers, and adopt resolution increasing FY 2001-02 operating plan for Information Technology Services Department (8908) in amount of \$12,920 (4/5 vote)
36. Approve and authorize the Chairman to execute Lease Agreement with James B. Walker and Sharon L. Walker as Trustees of James B. Walker Family Trust for office and warehouse space located at 201 Van Ness Avenue for term of 5 years commencing July 1, 2002

Administrative Office

37. Confirm appointment of Richard Brogan as Interim Director of Planning and Resource Management Department, effective May 13, 2002
38. Appoint Ed. Delaney as County of Fresno representative to High Sierra Visitors Council
39. Consider and take action on request for determination of public convenience and necessity on application for alcoholic beverage license filed by Ernesto Aranda located at 21651 Manning Avenue, San Joaquin
40. Consider and take action on request for determination of public convenience and necessity on application for alcoholic beverage license filed by Johnny Quik Foods Store No. 161 located at 7505 N. Willow Avenue, Fresno
41. Consider and take action on request for determination of public convenience and necessity on application for alcoholic beverage license filed by Johnny Quik Foods Store No. 157 located at 2593 S. Clovis Avenue, Fresno
42. Adopt resolution increasing FY 2001-02 Fleet Services Operating Plan (8911) in amount of \$39,300 for modifications to Emergency Communications Vehicle (4/5 vote); and approve Budget Transfer No. 121 (\$39,300) for Department of Community Health
43. Second hearing of proposed ordinance to amend Master Schedule of Fees, Charges and Recovered Costs by amending various Subsections of Section 2100 relating to public health fees
44. Adopt resolution increasing FY 2001-02 Central Services Org. (8920) operating plan in amount of \$400,000 (4/5 vote)
45. Adopt resolution approving FY 2002-03 County Plan and Funding Request for Substance Abuse and Crime Prevention Act 2000 (\$2,955,044) and Substance Abuse Treatment and Testing Accountability Program (\$219,357); delegate authority to Lead Agency (Human Services System) to approve revisions to FY 2002-03 Proposition 36 Plan and Budget; approve and authorize Chairman to execute Master Service Agreement with appropriate State licensed, certified, and credential Substance Abuse Treatment providers effective FY 2002-03 (\$2,976,733); and approve and authorize Chairman to execute agreement with Superior Court for provision of staff services for Proposition 36 effective FY 2002-03 (\$148,122)

46. Adopt resolution increasing FY 2001-02 appropriations and estimated revenues in Categorical Aid Organizations – Dependent Children Family Group Budget 6310 (\$1,867, 840); Dependent Children Unemployed Parent Budget 6320 (\$6,885,400); Dependent Children Foster Care Budget 6410 (\$3,755,140); Aid to Adoptions Budget 6415 (\$406,368); Aid to Refugees Budget 6615 (\$10,266) and increasing appropriations and net County costs for General Relief Budget 6645 (\$479,840) to finance increased program costs and cost-of-living adjustments (4/5 vote); adopt resolution increasing FY 2001-02 appropriations and estimated revenues for Department of Employment and Temporary Assistance Organization 5610 (\$6,000,000); Department of Adult Services Organization 5630 (\$126,785); and Department of Children and Family Services Organization 5640 (\$39,019) to fund CalWORKs Child Care Services, purchase automated filing system and finance annual leave payoffs (4/5 vote); and approve and authorize Clerk to execute Budget Transfer No. 105 (\$1,049,700) – Human Services System Departments to finance current year costs

CAAnW

APPROVED AS RECOMMENDED

47. Approve and authorize submittal of grant application to California State Library for Families for Literacy Program grant funding
48. Adopt resolution increasing FY 2001-02 San Joaquin Valley Library System Org. (75200130) appropriations in amount of \$321,300 to purchase computer equipment (4/5 vote); approve and authorize Clerk to execute Budget Transfer No. 113 (\$16,620) for San Joaquin Valley Library System to purchase office furniture
49. Approve and authorize submission of applications to California Council for Humanities and California Center for the Book for grant funds for a book and film discussion series at Fresno County Public Library Adult Services Program, and book discussion series at Auberry and Clovis Regional Branch Libraries
50. **Agreements - Approve and Authorize Chairman to Execute:**
- a. Agreement with Hawkins, Delafield and Wood to act as special bond and disclosure counsels for Tobacco Settlement Asset-Backed Bonds (\$325,000)
 - b. Agreement to defend public officers or employees with provision of defense counsel to appear and defend with Reservation of Rights: Kathryn Mackie; as named in U.S. District Court Eastern District of CA Case No.: CIV F 01-6546 AWI DLB – Larry Synclair, Sr. v County of Fresno, et al.
 - c. Agreement to defend public officers or employees with provision of defense counsel to appear and defend with Reservation of Rights: Philip A Caporale, Sheriff Sergeant; and David Lopez, Deputy Sheriff IV; as named in U.S. District Court Eastern District of CA Case No.: CIV F 01-6508 REC SMS – David Michael Saunders v County of Fresno

- d. Agreement to defend public officers or employees with provision of defense counsel to appear and defend with Reservation of Rights: Jeffery Penry, Correctional Officer IV; and Anthony Hadley, Deputy Sheriff I – Bailiff; as named in Fresno County Superior Court Case No.: 655664.1 – Timothy Osburn v County of Fresno
 - e. Agreement to defend public officers or employees with provision of defense counsel to appear and defend with Reservation of Rights: Richard Pierce, Sheriff, and Anthony Gomez, Deputy Sheriff IV; as named in Fresno County Superior Court Case No.: 02 CE CL 02801 – Allstate Insurance Company, as Subrogee of Antonia Rodriguez v County of Fresno
 - f. Agreement with All Valley Spray Service for chemical treatments required by Glassy Winged Sharpshooter control project (\$500,000)
 - g. Agreement with California Department of Food and Agriculture for for experimental container permit inspection services (\$4,451)
 - h. Agreements with California Department of Pesticide Regulation for pesticide regulatory activities (\$198,238), pesticide application reporting (\$93,544), and restricted Materials Management System Pilot Project (\$35,950); adopt resolution increasing FY 2001-02 appropriations and estimated revenues for Department of Agriculture Org. (4010) in amount of \$35,950 (4/5 vote)
 - i. Amendment to agreement with State Emergency Medical Services for distribution of Trauma Care funds; (\$12,868) and adopt resolution increasing FY 2001-02 Community Health Org. 5620 (\$12,739) (4/5 vote)
 - j. Approve amendments to retroactive revenue agreements with California Department of Education and Supportive Services, Inc. for alternative payment child care revenues (\$554,520)
51. Approve Budget Transfer No. 119 – Library - \$4,250

AFTERNOON CONSENT AGENDA - Item Numbers 52-68
(Any Board Member may pull any consent item for discussion or separate vote)

AAnCW

APPROVED AS RECOMMENDED

Administrative Office

52. Adopt resolution increasing FY 2001-02 appropriations for Waterworks District No. 42 Budget in amount of \$15,000 (4/5 vote)
53. Adopt Resolution of Intention to extend existing powers of County Service Area No. 43, Raisin City, to include provision of domestic water service and setting public protest hearing to consider addition of power for 2:00 P.M. on June 18, 2002
54. Adopt Resolution of Intention and set time of 2:00 P.M. on June 4, 2002, as time to conduct hearing on proposed vacation of one-half mile long by 40-foot wide strip of Bowles Avenue right-of-way from DeWolf Avenue to Leonard Avenue
55. Accept summary report on contract change orders approved by Director of Public Works; approve and authorize Chairman to sign Contract Change Order No. 15 for Contract No. 2000-S-07, North Annex Jail Expansion, for increased cost of \$21,919 (4/5 vote)
56. Accept summary reports on contract change orders approved by Director of Department of Public Works for various projects
57. Award Contract No. 01-20-C, Pavement Milling on various roads in Fresno County to lowest responsible bidder, Pavement Recycling Systems, Inc, in amount of \$93,845.68
58. Adopt plans and specifications for Contract No. 01-11-C, Fruit/Browning Traffic Signalization and authorize Director of Public Works to advertise for bids and set bid opening
59. Accept easement deeds and approve right of way contracts for right of way acquisition for Traffic Signals and Highway Lighting project at intersection of Fruit and Browning Avenues
 - a. Harry Barigian Sr. - \$200.00
 - b. Jeff K. Kong and Joyce P. Kong - \$200.00
 - c. Blake E. Wood and Norma Sue Wood – \$350.00
 - d. Scott Baucher and Lucinda Baucher - \$250.00
60. Accept easement deeds and approve right-of-way contracts for right-of- way acquisition for Academy Avenue, State Highway 180 to Shaw Avenue (\$192,644)
61. Make determination in accordance with Administrative Policy 34 that unusual conditions exist that allow sole-source procurement of various project components and authorize incorporation of sole-source listed components into project design; adopt plans and specifications for Contract 01-S-15 and authorize Director of Public Works to advertise for bids and set bid opening for Alarm Replacement at

62. **Agreements - Approve and Authorize Chairman to Execute:**
 - a. Agreement with Seifel Consulting for provision of redevelopment consulting services (\$24,000)
 - b. Agreement with San Joaquin River Parkway and Conservation Trust
 - c. Agreement with Kern County Water Agency and various participants for operations and maintenance of Cross Valley Canal
 - d. Assignment of Agreement with Western Ag Plastics, LLC from Ag Plastics Recycle to conduct certified, triple-rinsed plastic pesticide container recycling program at American Avenue Landfill
 - e. Amendment to agreement with Boyle Engineering Corporation, Engineering Consultant, to provide services for design of Friant Road from Bugg Street to Millerton Road and North Fork Road from Friant Road to San Joaquin River (\$55,912)
 - f. Amendment to agreement with Oshima & Yee, Architects, Inc., (\$10,300) to provide additional architectural services for construction of new Caruthers Neighborhood Library
63. Approve Budget Transfer No. 109 (\$9,465), and adopt budget resolution increasing FY 2001-02 appropriations for County Service Area No. 35-O (\$30,992) (4/5 vote)
64. Approve Budget Transfer No. 110 (\$5,300), and adopt budget resolution increasing FY 2001-02 appropriations Waterworks District No. 41-S (\$8,100) (4/5 vote)
65. Approve Budget Transfer No. 112 (\$23,500), and adopt budget resolution increasing FY 2001-02 appropriations for Waterworks District No. 41-W (\$6,710) (4/5 vote)
66. Approve Budget Transfer No. 111 (\$21,972), and adopt budget resolution increasing FY 2001-02 appropriations for County Service Area No. 35-B (\$1,053) (4/5 vote)
67. Approve Budget Transfer No. 117, (\$1,463), and adopt budget resolution increasing FY 2001-02 appropriations for County Service Area No. 44-C (\$3,137) (4/5 vote)
68. Approve Budget Transfer No. 115 (\$2,000) - County Service Area No. 39-AB

END OF CONSENT